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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/524,112	HURWITZ ET AL.
Office Action Summary	Examiner	Art Unit	
	John D. Scarito	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,23 and 35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18, 23 & 35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The following is Examiner's response to Applicant's amendment received 07/15/2008

stemming from Examiner's Office Action dated 04/15/2008.

Status of the Claims

As per Applicant's response, Examiner acknowledges that Applicant amended Claims 1,

4-7, 13-17, 23 & 35. Here, Claims 2, 3, 8-12, & 18 are presented as originally filed, but are

considered amended due to their dependence on amended claims. As such, Claims 1-18, 23 &

35 are currently pending.

Response to Remarks/Arguments

Domestic Benefit Claims

Examiner notes Applicant's lack of comment regarding his/her benefit claims. [see Office

Action of 04/15/2008, page 5, lines 13-19]. As such, without indicating full §112 support,

Examiner notes the next earliest benefit date available as 02/21/2003.

Specification Objection

Examiner withdraws all outstanding specification objections in view of Applicant's

amendments (i.e. Abstract submitted on a separate sheet, typographical errors corrected in

paragraphs 7 & 77).

Minor Claim Objections

Examiner withdraws his minor claim objections in the Office Action of 04/15/2008 in

view of Applicant's amendments.

Aside: Applicant asserts that his /her grouping of claims is acceptable [Applicant's

Response, page 8, lines 9-10]. Here, per 37 CFR 1.75(g), all dependent claims should be

grouped together with the claim or claims to which they refer to the extent practicable.

As such, Claim 15 should have been originally presented as Claim 4. This point is now

found moot in view of entering the amendment stage of prosecution. Examiner merely

requests that Applicant consider this rule in the future. (i.e. avoids disjunctive assessment

of Applicant's invention as a whole).

Claim Rejections - 35 USC § 112

As per Claims 4, 7, & 15-17, Examiner withdraws his rejections in view of Applicant's

amendments.

As per Claim 5, Examiner maintains his rejection. Applicant pointed Examiner to

paragraphs 5 and 243 for guidance to one of skill in the art. [Applicant's Response, page

8, line 22]. Here, Examiner questions how "very brief training" [see Applicant's

Specification, paragraph 5] and "little…training" [Applicant's Specification, paragraph

243] clarifies the issue. These explanations appear as nebulous as "minimal training" and

"not skilled" as Applicant currently claims. In this vein, how is one of skill in the art able

to assess the degree/amount of training which would infringe Applicant's invention?

Again, this is very subjective [Office Action of 04/15/2008, page 4, line 4] and no

sufficient objective standard has been established.

Statutory Grounds of Rejection

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 4, 11, 18, & 35 were rejected under 35 U.S.C. 102(e) as being anticipated by

Siemens [6,659,340].

Applicant's arguments have been fully considered but are moot in view of the new

ground(s) of rejection necessitated by Applicant's amendment. Here, the requirement

that "the user login operation can be done before, during **and** after..." is materially

different than the "before, during or after" as previously claimed. Examiner notes

Applicant's acknowledgment that "Siemens only discloses an automatic teller machine

where users login before processing the payment media." [Applicant's Response, page 9,

lines 7-8].

Claim Rejections - 35 USC § 103

Claims 2, 3, & 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over

Siemens [6,659,340], as applied in Claim 1, in view of Kenneth et al [5,796,083]; Claims 5, 6,

16, 17 & 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens

[6,659,340]; Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens

[6,659,340], as applied in Claim 1, in view of Official Notice; Claim 12 was rejected under 35

U.S.C. 103(a) as being unpatentable over Siemens [6,659,340], as applied in Claim 1, in view of

Kenneth et al [5,796,083] or, alternatively, in view of Katou et al [6,481,620]; and Claims 13-15

were rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens [6,659,340], as applied

to Claim 1, in view of Kenneth et al [5,796,083] and further in view of Clark [6,081,791].

Applicant's arguments have been fully considered but are moot in view of the new

ground(s) of rejection necessitated by Applicant's amendments. Examiner notes that no

other arguments/evidence were presented other than the allegation that "Siemens fails to

disclose all of the limitations of Claim 1" as amended. [see Applicant's Response, page 9,

lines 17 & 22, & page 10, lines 3, 8, 13, & 19]. Applicant did not specifically traverse

Examiner's taking of Official Notice, thus this is deemed an admission by Applicant.

Response to Amendments

Minor Claim Objections

Claims 1, 5, & 23 are objected to because of the following informalities:

1. As per Claims 1 & 23, MPEP 2106 states "[l]anguage that suggests or makes

    optional but does not require steps to be performed...does not limit the scope of a

    claim...". In this vein, Applicant's "can be done" could be interpreted as an

    optional limitation not worthy of patentable weight.

2. As per Claim 5, "the single store" should be "the at least one single store" for

    clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112-1ˢᵗ & 2ⁿᵈ Paragraphs

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making
and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
contemplated by the inventor of carrying out his invention.

Claims 1-18, 23 & 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to
comply with the written description requirement. The claim(s) contains subject matter which
was not described in the specification in such a way as to reasonably convey to one skilled in the
relevant art that the inventor(s), at the time the application was filed, had possession of the
claimed invention.

As per Claims 1, 23 & 35, Examiner was unable to find support for "the user login
operation can be done before, during **and** after the step of processing the payment
media". Examiner was only able to find support for "the user login operation can be
done before, during **or** after the step of processing the payment media" [see Applicant's
Specification, paragraphs 21, 37 & 53]. Here, the use of "and" could be interpreted to
give the option for the user to enter his/her login at any point during the processing
whereas the use of "or" could be interpreted as the system requiring login at a specific
point during the processing at the exclusion of other times.

As per Claims 2-18, said claims are rejected due to their dependence on a rejected claim.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing
to particularly point out and distinctly claim the subject matter which applicant regards as the
invention.

As per Claim 5, Examiner points Applicant to the maintained rejection above.

Claim Rejections - 35 USC § 103

Claims 1, 4, 11, 16-18, 23 & 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Siemens [6,659,340] in view of Ling [2002/0111907].

As per Claim 1, Siemens ('340) teaches [a] method of controlling [column 5, line 64,

"operation"] a machine that accepts payment media [Abstract, "currency receiving device"] and

that requires a user login operation [column 6, lines 1-5], the method comprising:

First, Siemens ('340) teaches receiving the payment media in an input receptacle of the machine;

[column 6, lines 15 & 16, "to place the cash or currency to be deposited onto the input

hopper"]

Next, Siemens ('340) teaches starting processing of the payment media that has been received in the

input receptacle; [column 6, line 20, "[a]fter being counted by the currency counter the

counted cash drops into the escrow bin"]

However, Siemens ('340) does not explicitly disclose performing the user login operation,

wherein the step of performing the user login operation can be done before, during and after the step of

processing the payment media Regardless, Applicant admits that Siemens ('340) discloses an

automatic teller machine where users login before processing the payment media. [see

Applicant's Response, page 9, lines 7-8 & Siemens ('340), column 6, lines 1-8, user

enters the PIN"]. In this vein, Ling ('907) teaches that electronic transactions do not

always require login as a condition precedent to processing functionality. In particular,

Ling ('907) teaches "an e-commerce transaction culminating [in a money transfer]" (i.e.

purchase), where a user browses an interface and processes an order (i.e. transaction

selections are placed/collected in the "shopping cart"). [see Ling ('907), paragraph 8].

Here, it is only when the actual money transfer is to take place (i.e. checkout) that login is required [Id., e.g. the transaction has proceeded to this point without requiring login.]. Next, Ling ('907) teaches the saving of such information on the site "in order to speed up the check-out process…for later purchases." [Id., i.e. saved login at the site, e.g. logged in during the processing of the transaction]. Here, one of skill in the art would realize that similar web sites such as Amazon.com [see Ling ('907), paragraph 7] permit a user to login to one's account before, during and after order processing. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include the ability to perform login before, during, and after processing the payment media. One would have done so given the practical motivations for using a login in the first place. Logins are implemented for reasons including security and for associating actions to an entity/individual. In this vein, security is not an issue when depositing money (i.e. or filling a shopping cart) because the machine/website intermediate processing has no chance for loss. It is only when a money transfer is to occur (i.e. machine is responsible for crediting an account, or a purchase is to take place) that login is critical. As such, one of skill in the art would appreciate that login could be at any time before, during, and after intermediate processing so long as login has been completed by the time of money transfer.

Examiner notes that Siemens ('340) does not "lock" user access to the payment media until it drops to the escrow bin and any "rejected currency" is retried [see column 6, lines 25 & 29]. As such, it appears to exhibit functions (e.g. counting) not related to any

particular user. Further, Examiner notes that "starting processing" can be reasonably

interpreted to include merely receiving the payment media without any further action.

As per Claim 4, Siemens ('340) as modified teaches the method of Claim 1 above.

Further, Siemens ('340) teaches the user login operation is performed at the machine [see column

6, lines 1 & 4, "user begins [] by swiping the card" & "user then enters the PIN"], is

performed from a location electronically coupled to the machine over a local communication network **or** is

performed from a location electronically coupled to the machine over a wide area communication network.

As per Claim 11, Siemens ('340) as modified teaches the method of Claim 1 above.

Further, Siemens ('340) teaches the payment media is **one** or more of currency notes [column 6,

line 15, "cash"], currency coins, currency vouchers and currency checks [column 4, line 52].

As per Claim 16, Siemens ('340) as modified teaches the method of Claim 1 above.

However, Siemens ('340) does not specifically disclose notifying the user that the payment

media processing has been successfully completed upon occurrence of a successful user login operation

and the successful completion of the processing. Regardless, Siemens ('340) does disclose that

"upon completion of a deposit the PC directs the printer to print a receipt, which is

emitted through the print receipt slot and torn off by the user". [column 14, lines 40-42].

Here, Examiner notes that the transaction would not have started if login was not

complete. [see column 6, lines 6-7]. As such it would have been obvious to one of

ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to

include notifying a user that the payment media processing has been successfully

completed after login and completion of the processing via receipt, prompt, etc. One

would have been motivated to do so given that "it can be appreciated that a person skilled

in the art would be familiar with the various prompts, instructions, and procedures

involved in designing software for accepting user cash deposits." [column 14, lines 33-37)]. Surely one of skill in the art would appreciate, uncontested by Applicant, that a receipt is a notification (e.g. via new balance, etc) that the transaction was successful. Notification would benefit Siemens ('340) by keeping users informed of their respective account status.

As per Claim 17, Siemens ('340) as modified teaches the method of Claim 16 above. **Further,** Siemens ('340) teaches storing the payment media in the machine upon a determination of a successful user login operation and the successful completion of the processing. [column 6, lines 6-7, "upon the PIN number being checked and accepted the device enters into a deposit dialogue" & column 6, line 37-38, "if the user selects the touch screen option to proceed with the deposit, access gate will open..." & column 6, line 40, "the cash will then fall into the canister."].

As per Claim 18, Siemens ('340) as modified teaches the method of Claim 1 above. **Further,** Siemens ('340) teaches the user login operation is performed using a user interface of the machine. [see column 6, lien 4-5, "user then enters the PIN number by touching the designated characters displayed on the touch screen"].

As per Claim 23, Siemens ('340) does not explicitly disclose [a] machine-readable storage medium that provides instructions for controlling a machine that accepts payment media and that requires a user login operation, the instructions, when executed by a processor, cause the processor to perform the method of Claim 1 above. Regardless, Siemens ('340) teaches that "a software program running on the PC provides a user interface that controls interaction with the user..." [column 14, lines"29-30]. As such, it would have been obvious to one of ordinary skill in

the art, at the time of Applicant's invention, to modify Siemens ('340) to specifically

include a machine-readable storage medium providing instructions for a processor to

perform the method of Claim 1. One would have been motivated to do so given that "it

can be appreciated that a person skilled in the art would be familiar with the various

prompts, instructions, and procedures involved in designing software for accepting user

cash deposits." [column 14, lines 33-37)].

As per Claim 35, Siemens ('340) teaches the machine as follows:

First, Siemens ('340) teaches an input receptacle [column 6, line 16, "input hopper"] into

which a user of the machine places the payment media; [see Claim 1 above]

Next, Siemens ('340) teaches a user interface [column 6, line 5, "touch screen"] through

which the user of the machine performs a user login operation; and [see Claim 1 above]

Lastly, Siemens ('340) teaches a controller [column 14, lines 27, "[t]he PC acts as a

primary controller or processor of the device"] that starts processing of the payment media that

has been received in the input receptacle and that performs the user login operation either before, during or

after processing the payment media. [see Claim 1 above]

Claims 2, 3, & 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Siemens [6,659,340] in view of Ling [2002/0111907], as applied in Claim 1, and further in view

of Kenneth et al [5,796,083].

As per Claim 2, Siemens ('340) as modified teaches the method of Claim 1 above.

However, Siemens ('340) does not explicitly disclose storing the payment media received in the

input receptacle in a secure device until the user login operation is completed. Regardless, Siemens

('340) does disclose a "lockable housing" about an "escrow bin" [see column 6, lines 26

& 21]. Nevertheless, Examiner notes that Applicant indicates that "payment media *may* include one or more of *at least* currency notes, currency coins, currency vouchers and currency checks." [Applicant's Specification, page 6, paragraph 28, emphasis added]. As such, without a specific definition, Examiner reasonably concludes that payment media *could* include a smart card, as well as credit card, debit card, etc. [see Applicant's Specification, page 11, paragraph 76]. These are, of course, literally media used for payment. In this vein, Siemens ('340) teaches receiving such payment media [column 6, line 1, "swiping the card"], processing the payment media [column 6, line6, "number being checked and accepted"], with user login being performed during the processing (e.g. PIN login). Here, Kenneth ('083) teaches that ATMs often include another type of card reader comprising an "input slot", "card feed means", "feed path" and "retractable shutter". [column 3, lines 8, 10, 24, & 27]. Further, Kenneth ('083) teaches holding the card until it has been determined that "an authorized user has completed a valid transaction with the ATM" [column 3, line 52]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to specifically include storing the payment media received in the input receptacle in a secure device until the user login operation is completed. One would have been motivated to do so because "a card [] being used fraudulently" should not be in the possession of said user. Siemens ('340) would specifically benefit from such a card reader by reducing the risk of future frauds from an illegitimate card and/or an imposter. As per Claim 3, Siemens ('340) as modified teaches the method of Claim 2 above.

However, Siemens ('340) does not explicitly disclose the secure device comprises **one** or more

of a roll store in the machine, an escrow device in the machine, **or** a secure compartment in the machine.

Regardless, Siemens ('340) does disclose payment media "drop[ping] into [an] escrow

bin" with a "lockable housing" [see column 6, lines 21 & 25]. Nevertheless, following

the logic in Claim 2 above, Kenneth ('083) teaches retention of the payment media (e.g.

card) on a "feed path" [column 3, line 27, (e.g. roll store)] or ultimately a "retention bin"

[column 3, line 57, (e.g. secure compartment)] until authorized use is assessed. As such,

it would have been obvious to one of ordinary skill in the art, at the time of Applicant's

invention, to modify Siemens ('340) to include the secure device comprising an escrow

device and/or a secure compartment. One would have been motivated to do so given that

payment media suspected of fraud should be held to prevent future perpetration of said

fraud. Siemens ('340) would specifically benefit from reduced risks associated with such

secure devices.

As per Claim 8, Siemens ('340) as modified teaches the method of Claim 1 above.

However, Siemens ('340) does not explicitly disclose the processing of the payment media

comprises feeding the payment media through the machine, and the user login operation is performed while

the payment media is being fed through the machine. Regardless, in line with Claim 2 above,

alternative known card readers have "feed path[s]" [column 3, line 27] in the machine

which hold the payment media (e.g. card) and utilize a "magnetic stripe read head"

[column 3, line 31] to read card data necessary for login when the card is "transported

along the feed path" [column 3, line 32]. As such, it would have been obvious to one of

ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to

include the feeding of payment media through the machine with said user login operation

performed while the payment media is being fed through the machine. One would have

been motivated to do so given that card data is essential to proper login for effecting a

financial transaction. Further, one attempting a legitimate transaction is not likely to

leave his payment media behind without successfully completing his/her transaction.

Lastly, login while payment media is being fed through the machine is more efficient and

would save time at the terminal permitting more user access. Here, Examiner notes that

each process (e.g. login & feeding of payment media) is known, the technical ability

exists to combine these processes, the results are predictable, and the processes perform

the same function as they would separately.

As per Claim 9, Siemens ('340) as modified teaches the method of Claim 8 above.

Further, Siemens ('340) teaches the processing of the payment media includes at least **one** of

counting the payment media, determining a denomination of the payment media and authenticating the

payment media. [see column 6, line6, "number being checked and accepted" (e.g.

authenticating the payment media) Examiner notes that merely another form of card

reader, e.g. card swipe, is being used.] Further, Siemens ('340) supports counting a

payment media [column 6, line 20] and determining a denomination of a payment media

[column 9, line 63] in a currency embodiment.

As per Claim 10, Siemens ('340) as modified teaches the method of Claim 9 above.

Further, Siemens ('340) teaches the payment media is **one** or more of currency notes, currency

coins, currency vouchers and currency checks. Here, Examiner notes that Applicant does not

specifically define what he/she intended by "currency voucher". [see Applicant's

Specification] As such, this could be broadly interpreted as merely an article evidencing

a credit against future expenditures. In this vein, a debit card, smart card, or credit card

surely represent a form of currency voucher and media for payment.

Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens

[6,659,340] in view of Ling [2002/0111907], as applied in Claim 1, and further in view of

Stefanik et al [2003/0163382].

As per Claim 5, Siemens ('340) as modified teaches the method of Claim 1 above.

However, Siemens ('340) does not explicitly disclose the machine is located in a retail store, and

the user is a cashier of the retail store, a teller, an individual having minimal training in the operation of

payment media handling devices or an individual not skilled in the operation of payment media handling

devices, wherein the retail store includes at least one single store, multiple stores, at least one third party

concession stand located within the single store and a plurality of stores located within a mall.

Regardless, Siemens ('340) does disclose "three currency receiving devices" [column 16,

line 64] at "three customer retail outlets" [column 17, line 1]. In this vein, Stefanik ('382)

teaches a "software ATM...located in a retail market place or other public place"

[Abstract]. Here, such locations include "a coffee shop, a mall, a retail store, an airport

waiting area, a theatre, near phone booths, in sporting areas, etc." [Stefanik ('382),

paragraph 13]. Further, Stefanik ('382) teaches "retail outlets [as] motivated to place

software ATMs on or near their facilities...in return for small rental fees...in exchange

for the space occupied by the software ATM" [paragraph 14, i.e. concession stand in a

store]. Next, although Siemens ('340) does not specifically allude to the level of

technical ability of its "user", one of skill in the art would appreciate, uncontested by

Applicant, that as evidenced by a swiping of a card and entering a PIN [column 6, lines

1-4] he/she appears to be an 'individual' having at least 'minimal training in the operation

of payment media handling devices'. As such, it would have been obvious to one of

ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to

include said machine located a retail store including at least one single store, multiple

stores, at least one third party concession stand located within the single store and a

plurality of stores located within a mall where said machine is operated by an individual

having minimal training in its operation. One would have been motivated to do so given

that "paper currency or cash is still extensively used" in places such as "retail stores"

[column 1, lines 12 & 14] and such machines logically need to be user friendly for even

one of little or no training to use…otherwise their use would be limited. Both the

placement of machines in high traffic areas (e.g. retail stores, malls comprising a plurality

of stores, etc) and general concentration on ease of use would benefit Siemens ('340)

through increased use fees and increased user accounts. Lastly, if a machine can be

placed in one store, it can be placed in multiple stores, in a rented area of a store, and/or

in a plurality of stores in a mall with predictable results. The functionality of the machine

does not appear to be affected by or dependent upon where it is placed.

As per Claim 6, Siemens ('340) as modified teaches the method of Claim 1 above.

However, Siemens ('340) does not explicitly disclose the machine is located in a retail store,

and the user is an employee of a company different from the retail store, wherein the retail store includes at

least one single store, multiple stores, at least one third party concession stand located within the single

store and a plurality of stores located within a mall. Regardless, Siemens ('340) does disclose

"three currency receiving devices" [column 16, line 64] at "three customer retail outlets"

[column 17, line 1 & see Claim 5 'location' cites above]. Further, Siemens ('340)

teaches "guards" who retrieve the currency "from other outlets" and make "deposit[s] at different institutions" [column 1, lines 46, 47 & 50]. In this vein, Siemens ('340) teaches said guards as a user that "swipes his or her card through the card reader [and] enters a PIN". [column 17, lines 22-23]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include said machine located in multiple retail stores (see Claim 5 above) and operated by an employee of a company different from said retail store(s). One would have been motivated to do so given that interaction/transport of payment media is often outsourced to a third party given the nature of the transport, the amounts involved and the need for special equipment to transport said amounts safely and securely. Alternatively, one of skill in the art would appreciate, uncontested by Applicant, that most users of a currency receiving machine (e.g. ATM) are literally "employees of a company different from [the] retail store" in which the machine is placed.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens [6,659,340] in view of Ling [2002/0111907], as applied in Claim 1, and further in view of Applicant Admitted Prior Art (AAPA) [previously uncontested Official Notice].

As per Claim 7, Siemens ('340) as modified teaches the method of Claim 1 above. **However,** Siemens ('340) does not explicitly disclose users of the machine are employees from plural companies and the machine is located to allow access by the users. Regardless, in line with the logic of Claim 6 above, Siemens ('340) contemplates access to its machine by *any* authorized user. [column 6, line 6]. Here, Siemens ('340) teaches access as granted based

on login "confirmation" and "approv[al]" [column 17, lines 29-30]. Here, Applicant admitted it as old and well established that a central location is often preferred as a marketing tactic to permit resource utilization by a large population. Examiner asserts that such a location would 'allow access by the users" which include employees from plural companies. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify Siemens ('340) to include said machine as located at a central location with users comprising employees from plural companies having access to said central location. One would have been motivated to do so given the reality that anyone authorized (e.g. associated with the controller of said machine), regardless of who they independently are employed by, can access machine functionality. Here, a login is a means to audit transactions for "deposit information [to] be correlated with the particular receptacle" [column 2, line 58] for "[tying to] the financial system" [column 2, line 65] for "accurate financial controls" [column 3, line 2]. This ultimately aids "financial management" of "the identity of the users". [column 9, lines 64-65]. Here, a central location would be desirable to Siemens ('340) to attain convenient accessibility by a diverse population of users. In this vein, uncontested by Applicant, Siemens ('340) would not likely limit accessibility to employees of any single company.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens

[6,659,340] in view of Ling [2002/0111907], as applied in Claim 1, and further in view of

Kenneth et al [5,796,083] or, alternatively, further in view of Katou et al [6,481,620].

As per Claim 12, Siemens ('340) as modified teaches the method of Claim 1 above.

However, Siemens ('340) does not explicitly disclose the machine is capable of dispensing

payment media previously accepted into the machine. Regardless, Siemens ('340) does disclose

ultimately dispensing the payment media at "a secured and specialized unloading station"

[column 19, line 38, e.g. depository bank]. Nevertheless, if interpreted as a card,

Kenneth ('083) teaches dispensing the payment media [see Kenneth ('083), column 3,

line 53, "return the card"] or alternatively, Katou ('620) teaches a bill recycling machine

[see Title]. As such it would have been obvious to one of ordinary skill in the art, at the

time of Applicant's invention, to modify Siemens ('340) to include the machine as

capable of dispensing payment media previously accepted into the machine. One would

have been motivated to do so given that a non-fraudulent card should be returned to an

authorized user. [Kenneth ('083), column 3, line 53]. Alternatively, one would have been

motivated because deposit *and* withdrawal are common features of currency machines.

Here, the use of deposited cash for withdrawals would avoid having to fill alternate

currency canisters, avoid duplicative machine components and avoid associated costs;

these all would benefit Siemens ('340).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens

[6,659,340] in view of Ling [2002/0111907], as applied to Claim 1, in view of Kenneth et al

[5,796,083] and further in view of Clark [6,081,791].

As per Claim 13, Siemens ('340) as modified teaches the method of Claim 1 above.

However, neither Siemens ('340) nor Kenneth ('083) explicitly disclose the processing of the

payment media is cancelled following a plurality of failures of the user login operation. **Regardless**,

Siemens ('340) method does generally support the cancelling of payment media

processing after it has begun if a discrepancy is found. [see column 6, line 33, "count

displayed does not match"]. Further, as noted earlier, Siemens ('340) does not "lock"

user access to the payment media until it drops to the escrow bin and any "rejected

currency" is retried [see column 6, lines 25 & 29]. Here, Examiner reiterates that

"starting processing" can be reasonably interpreted to include merely 'receiving' the

payment media without any further action. In this vein, a user who places payment

media "onto the input hopper" (e.g. starting processing) could not go further if the PIN is

checked and not accepted because "deposit dialogue with the user" would not commence.

[see column 6, lines 6-7]. Nevertheless, Kenneth ('083) teaches utilization of a card as a

payment media with further processing being prohibited (e.g. card is sent to the retention

bin) if it is being used fraudulently. With this foundation established, Clark ('791)

teaches that ATMs optionally permit a "customer to reenter the correct PIN #...or altre

[sic] a given predetermined number of unsuccessful re-entry attempts, the ATM may

terminate the transaction, and optionally may retain the debit/credit card." [column 4,

lines 51-55]. As such, it would have been obvious to one of ordinary skill in the art, at

the time of Applicant's invention, to modify Siemens ('340) and Kenneth ('083) to

include cancellation of the payment media processing following a plurality of failures of

the user login operation. One would have been motivated to do so given that legitimacy

of the user is undermined by continuous improper PIN combinations. Further,

uncontested by Applicant, one of skill in the art would appreciate that permitting

unlimited login failures increases the chances of fraud being committed. Here, Siemens

('340) would benefit from cancellation of a transaction called into question through a

reduction in risk of dealing with a fraudulent perpetrator.

As per Claim 14, Siemens ('340) as modified teaches the method of Claim 13 above.

However, neither Siemens ('340) nor Kenneth ('083) explicitly disclose following the

plurality of failures of the user login operation, the machine returns to the user the same payment media

that was received into the input receptacle by the user. Regardless, Siemens ('340) does generally

support return of the currency to the user if a discrepancy is found. [see column 6, line

33, "count displayed does not match" & column 6, line 36, "lockable housing is

unlocked and the user retrieves the cash"]. In this vein, Kenneth ('083) appears to

support return of the payment media (e.g. card) if the card is not deemed to be used

fraudulently. [see column 3, line 55]. Here, Clark ('791) specifically states that "alter

[sic] a given predetermined number of unsuccessful re-entry attempts, the ATM may

terminate the transaction, and *optionally may* retain the debit/credit card." [column 4,

lines 51-55, emphasis added]. As such, it would have been obvious to one of ordinary

skill in the art, at the time of Applicant's invention, to modify Siemens ('340) and

Kenneth ('083) to include the machine returning to the user the same payment media that

was placed into the input receptacle after a plurality of user login operation failures. One

would have been motivated to do so given that machine controllers have varying degrees

of risk they are willing to take with respect to machine interactions. Although Kenneth

('083) hedges on retaining such a card, it really only teaches actually keeping a card if "a

card *is* being used fraudulently." [column 3, line 55]. In contemplation of risk, improper

PIN entrance may not rise to the level of fraud, but may just be human error. Here,

Kenneth ('083) discloses that the CPU (e.g. as programmed by its controller) will "decide

whether or not the card can be used validly…and instruct the [card] reader as to what

action to take accordingly." [column 3, lines 5-7]. Here, Siemens ('340) would benefit

from cancellation of a transaction called into question through a reduction in risk of

dealing with a fraudulent perpetrator or alternatively returning (e.g. non-acceptance) of a

possibly fraudulent instrument (e.g. check).

As per Claim 15, Siemens ('340) as modified teaches the method of Claim 3 above.

However, Siemens ('340) does not explicitly disclose the same payment media stored in the

escrow device is returned to the user following an unsuccessful login operation. Regardless, Siemens

('340) does disclose that user access to the payment media is not locked until it drops to

the escrow bin and any "rejected currency" is retried [see column 6, lines 25 & 29].

Here, Examiner reiterates that "starting processing" can be reasonably interpreted to

include merely 'receiving' the payment media without any further action. In this vein, a

user who places payment media "onto the input hopper" (e.g. starting processing) could

not go further if the PIN is checked and not accepted because "deposit dialogue with the

user" would not commence. [see column 6, lines 6-7]. As such, the user would merely

reclaim his payment media from the hopper after an unsuccessful login operation.

Nevertheless, Examiner points Applicant to the logic and evidence as discussed in Claim

14 above. Here, Examiner points out that Clark ('791) also teaches that the ATM *"may*

reprompt the customer to reenter the correct PIN # [or] [*a]lternatively*...the ATM *may*

terminate the transaction, and *optionally may* retain the debit/credit card." [column 4,

lines 51-55] which supports optional return of the payment media after a single login

operation. See Claim 14 for the motivation and benefits of such a method.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Scarito whose telephone number is (571) 270-3448. The examiner can normally be reached on M-Th (7:30-5:00), Alternate F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John D. Scarito/
Examiner, Art Unit 3696

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696